

PTO/SB/26 (08-03)

Approved for use through 07/31/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TERMINAL DISCLAIMER TO OBIATE A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT

Docket Number (Optional)
112674 CON

In re Application of: Michael B. Jones

Application No.: 10/615,508

Filed: 07/09/2003

For: SYSTEM AND METHOD FOR PROVIDING DYNAMIC BANDWIDTH ON DEMAND

The owner*, AT&T Corp., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,631,118. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record.

05/10/2005 KBETEMAI 00000036 502186 10227934

01 FC:1814 130.00 DA

Adjustment date: 05/11/2005 KBETEMAI

05/10/2005 KBETEMAI 00000036 502186 10227934

01 FC:1814 130.00 CR

Ronald D. Slusky 5/9/05
Signature Date

Ronald D. Slusky

Typed or printed name

212-246-4546

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

05/11/2005 KBETEMAI 00000015 502186 10615508

01 FC:1814 130.00 DA

MAY 09 2005

PTO/SB/21 (08-03)

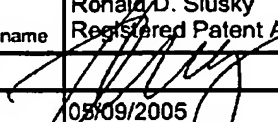
Approved for use through 08/30/2003. OMB 0651-0031

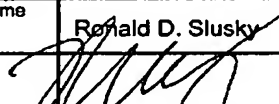
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/615,508	
	Filing Date	07/09/2003	
	First Named Inventor	Michael B. Jones	
	Art Unit	2663	
	Examiner Name	JUNG, Min	
Total Number of Pages in This Submission	8	Attorney Docket Number	112674 CON

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input checked="" type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Submission of Terminal Disclaimer
Remarks The Commissioner is authorized to charge any fee required to the Deposit Account of Ronald D. Slusky, Attorney at Law, Account No. 502,186		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Ronald D. Slusky Registered Patent Attorney
Signature	
Date	05/09/2005

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.	
Typed or printed name	Ronald D. Slusky
Signature	
Date	05/09/2005

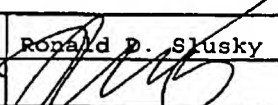
This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/17 MODIFIED BY AT&T CORP.

FEE TRANSMITTAL <i>Patent Fees are subject to annual revision.</i>		Application Number	10/615,508
		Filing Date	07/09/2003
		First Named Inventor	Jones
		Examiner Name	Min Jung
		Group/Art Unit	2663
TOTAL AMOUNT OF PAYMENT	\$130	Attorney Docket No.	112674 CON

METHOD OF PAYMENT (check one) 1. The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to: Deposit Account Number: 502186 Deposit Account Name: Ronald D. Slusky, Atty at Law <input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 <input type="checkbox"/> Charge the Issue Fee Set in 37 CFR 1.18 at the Mailing Date of the Notice of Allowance		FEE CALCULATION (continued) 3. ADDITIONAL FEES																																																																																																																									
FEE CALCULATION 1. FILING FEE		<table border="1"> <thead> <tr> <th>Large Fee Code</th> <th>Entity Fee(\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>127</td><td>50</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>139</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>147</td><td>2520</td><td>For filing a request for reexamination</td><td></td></tr> <tr><td>112*</td><td>920</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>113*</td><td>1840</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>115</td><td>110</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>116</td><td>400</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>117</td><td>920</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>118</td><td>1440</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>128</td><td>1980</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>119</td><td>320</td><td>Notice of Appeal</td><td></td></tr> <tr><td>120</td><td>320</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>121</td><td>280</td><td>Request for oral hearing</td><td></td></tr> <tr><td>195</td><td>300</td><td>Publication fee</td><td></td></tr> <tr><td>140</td><td>110</td><td>Petition to revive - unavoidable</td><td></td></tr> <tr><td>141</td><td>1280</td><td>Petition to revive - unintentional</td><td></td></tr> <tr><td>142</td><td>1280</td><td>Utility Issue fee (or reissue)</td><td></td></tr> <tr><td>143</td><td>460</td><td>Design Issue fee</td><td></td></tr> <tr><td>122</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>123</td><td>50</td><td>Petitions related to provisional applications</td><td></td></tr> <tr><td>126</td><td>180</td><td>Submission of Information Disclosure Statement</td><td></td></tr> <tr><td>581</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>148</td><td>740</td><td>Filing a submission after final rejection (37 CFR 1.129(e))</td><td></td></tr> <tr><td>149</td><td>740</td><td>For each additional invention to be examined (37 CFR 1.129(b))</td><td></td></tr> <tr><td>179</td><td>740</td><td>Request for Continued Examination (RCE)</td><td></td></tr> <tr><td>189</td><td>900</td><td>Request for expedited exam of a design application</td><td></td></tr> <tr><td colspan="3">Other fee (specify):</td><td></td></tr> <tr><td colspan="3">Statutory Disclaimer</td><td>130</td></tr> </tbody> </table>		Large Fee Code	Entity Fee(\$)	Fee Description	Fee Paid	105	130	Surcharge - late filing fee or oath		127	50	Surcharge - late provisional filing fee or cover sheet		139	130	Non-English specification		147	2520	For filing a request for reexamination		112*	920	Requesting publication of SIR prior to Examiner action		113*	1840	Requesting publication of SIR after Examiner action		115	110	Extension for reply within first month		116	400	Extension for reply within second month		117	920	Extension for reply within third month		118	1440	Extension for reply within fourth month		128	1980	Extension for reply within fifth month		119	320	Notice of Appeal		120	320	Filing a brief in support of an appeal		121	280	Request for oral hearing		195	300	Publication fee		140	110	Petition to revive - unavoidable		141	1280	Petition to revive - unintentional		142	1280	Utility Issue fee (or reissue)		143	460	Design Issue fee		122	130	Petitions to the Commissioner		123	50	Petitions related to provisional applications		126	180	Submission of Information Disclosure Statement		581	40	Recording each patent assignment per property (times number of properties)		148	740	Filing a submission after final rejection (37 CFR 1.129(e))		149	740	For each additional invention to be examined (37 CFR 1.129(b))		179	740	Request for Continued Examination (RCE)		189	900	Request for expedited exam of a design application		Other fee (specify):				Statutory Disclaimer			130
Large Fee Code	Entity Fee(\$)	Fee Description	Fee Paid																																																																																																																								
105	130	Surcharge - late filing fee or oath																																																																																																																									
127	50	Surcharge - late provisional filing fee or cover sheet																																																																																																																									
139	130	Non-English specification																																																																																																																									
147	2520	For filing a request for reexamination																																																																																																																									
112*	920	Requesting publication of SIR prior to Examiner action																																																																																																																									
113*	1840	Requesting publication of SIR after Examiner action																																																																																																																									
115	110	Extension for reply within first month																																																																																																																									
116	400	Extension for reply within second month																																																																																																																									
117	920	Extension for reply within third month																																																																																																																									
118	1440	Extension for reply within fourth month																																																																																																																									
128	1980	Extension for reply within fifth month																																																																																																																									
119	320	Notice of Appeal																																																																																																																									
120	320	Filing a brief in support of an appeal																																																																																																																									
121	280	Request for oral hearing																																																																																																																									
195	300	Publication fee																																																																																																																									
140	110	Petition to revive - unavoidable																																																																																																																									
141	1280	Petition to revive - unintentional																																																																																																																									
142	1280	Utility Issue fee (or reissue)																																																																																																																									
143	460	Design Issue fee																																																																																																																									
122	130	Petitions to the Commissioner																																																																																																																									
123	50	Petitions related to provisional applications																																																																																																																									
126	180	Submission of Information Disclosure Statement																																																																																																																									
581	40	Recording each patent assignment per property (times number of properties)																																																																																																																									
148	740	Filing a submission after final rejection (37 CFR 1.129(e))																																																																																																																									
149	740	For each additional invention to be examined (37 CFR 1.129(b))																																																																																																																									
179	740	Request for Continued Examination (RCE)																																																																																																																									
189	900	Request for expedited exam of a design application																																																																																																																									
Other fee (specify):																																																																																																																											
Statutory Disclaimer			130																																																																																																																								
2. CLAIMS <input type="checkbox"/> Filing Under 37CFR 1.53 (b) <input type="checkbox"/> CPA Under 37CFR 1.53 (d) <input type="checkbox"/> Amendment <table border="1"> <thead> <tr> <th>Extra Claims</th> <th>Fee from below</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>31 - 20 =</td> <td></td> <td></td> </tr> <tr> <td>Ind. - 3 =</td> <td></td> <td></td> </tr> <tr> <td>Multiple Dependent Claims</td> <td></td> <td></td> </tr> </tbody> </table>		Extra Claims	Fee from below	Fee Paid	31 - 20 =			Ind. - 3 =			Multiple Dependent Claims			<table border="1"> <thead> <tr> <th>Large Fee Code</th> <th>Entity Fee(\$)</th> <th>Fee Description</th> </tr> </thead> <tbody> <tr><td>103</td><td>18</td><td>Claims in excess of 20</td></tr> <tr><td>102</td><td>84</td><td>Independent Claims in excess of 3</td></tr> <tr><td>104</td><td>280</td><td>Multiple Dependent Claims</td></tr> <tr><td>109</td><td>84</td><td>** Reissue independent claims over original patent</td></tr> <tr><td>110</td><td>18</td><td>** Reissue claims in excess of 20 and over original patent</td></tr> </tbody> </table>		Large Fee Code	Entity Fee(\$)	Fee Description	103	18	Claims in excess of 20	102	84	Independent Claims in excess of 3	104	280	Multiple Dependent Claims	109	84	** Reissue independent claims over original patent	110	18	** Reissue claims in excess of 20 and over original patent																																																																																										
Extra Claims	Fee from below	Fee Paid																																																																																																																									
31 - 20 =																																																																																																																											
Ind. - 3 =																																																																																																																											
Multiple Dependent Claims																																																																																																																											
Large Fee Code	Entity Fee(\$)	Fee Description																																																																																																																									
103	18	Claims in excess of 20																																																																																																																									
102	84	Independent Claims in excess of 3																																																																																																																									
104	280	Multiple Dependent Claims																																																																																																																									
109	84	** Reissue independent claims over original patent																																																																																																																									
110	18	** Reissue claims in excess of 20 and over original patent																																																																																																																									
SUBTOTAL (1)		SUBTOTAL (2)																																																																																																																									
SUBTOTAL (3)		SUBTOTAL (3)																																																																																																																									

SUBMITTED BY Typed or Printed Name: Ronald D. Slusky Signature:  Date: 05/09/05		Complete (if applicable) Reg. Number: 26585 Deposit Account User ID:	
--	--	--	--

SEND TO: Commissioner for Patents, Washington, D.C. 20231

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED
CENTRAL FAX CENTER

MAY 09 2005

Application No. : 10/615,508
Inventor(s) : Michael B. Jones
Filed : 07/09/2003
Art Unit : 2663
Examiner : JUNG, Min
Docket No. : 112674 CON
Title : A SYSTEM AND METHOD FOR
PROVIDING DYNAMIC BANDWIDTH ON DEMAND

COMMISSIONER FOR PATENTS
ALEXANDRIA, VA 22313

SUBMISSION OF TERMINAL DISCLAIMER

SIR:

This filing is made in response to a telephone conversation between the undersigned and Examiner Jung on 05/09/2005.